THE HON'BLE SRI JUSTICE RAMESH

RANGANATHAN

W.P.No. 28702 OF 1996

DATE: 24-1-2007

Between:

A.Srinivas .... Petitioner

And

1. The Presiding Officer,
Labour Court III, Hyderabad and
Another .... Respondents

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O R D E R:

Aggrieved by the award of the Labour Court III, Hyderabad, in I.D.762 of 1993 dated 11.3.1995, a Conductor of APSRTC has approached this Court.

The petitioner was issued a charge memo wherein three charges were framed against him. The first charge relates to his failing to observe the rule of issue and start The second charge is for his failure to collect fare and issue tickets to a batch of three passengers who were found traveling without tickets from Venkatapoor to Toopran and the 3rd charge is for having closed the ticket tray numbers of all denominations upto stage No.9 without completing issuing tickets to the passengers. The petitioner was imposed the punishment of removal from service. Aggrieved thereby he approached the Labour Court. The Labour Court held all the three charges to have been established. It also held that three passengers were found traveling without tickets to stage No.19 from stage No.6 when the check was conducted at stage No.9. Taking into account the fact that the amount was Rs.9/-, the Labour Court took a lenient view and passed an award setting aside the order of removal and directing the respondents to reinstate the petitioner into service with continuity of service, without attendant benefits and without back wages by deferring one increment as if not accrued for the charges held established.

It is not for this Court, in proceedings under Article 226 of the Constitution of India, to sit in appeal over the decision of the Tribunal passed in exercise of its jurisdiction under Section 11-A of the Industrial Tribunal Act, except when the punishment imposed is one which could not have been imposed at all or is one which shocks the conscience of this Court. For the charges held established, it cannot be said that the punishment as substituted by the Labour Court is grossly disproportionate or is one which shocks the conscience of this Court.

The writ petition fails and is accordingly dismissed. No order as to costs.

24-1-19698

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